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PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of :  
Maguire, Stephen B. :  
Application No. 10/066,338 : ON PETITION  
Filed: January 31, 2002 :  
Attorney Docket No. 40526.10001 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/265,347, filed January 31, 2001.

The petition is **DISMISSED AS MOOT**.

Petitioner states that the claim for priority of the above-identified, prior-filed provisional application was timely submitted in the "Declaration of Stephen B. Maguire" on March 20, 2002.

As stated in 37 CFR 1.78(a)(5)(ii):

This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application.

In USPTO records, the Declaration submitted on March 20, 2002 was only two pages and lacked the page that listed the claim for priority. Petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USTPO) on March 20, 2002 of the Declaration of Stephen B. Maguire (3 pages).

MPEP 503 states that "A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that all 3 pages of the declaration was timely received in the USPTO but page 2 of 3 was apparently lost after receipt thereof.

Accordingly, the claim for priority was timely submitted on March 20, 2002. A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

In view of the above, no petition fee is necessary and none has been charged.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 1723 for consideration of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for benefit of the prior-filed provisional application.

A handwritten signature in cursive script, appearing to read "Liana Walsh".

Liana Walsh  
Petitions Examiner  
Office of Petitions

Enclosure: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/066,338	01/31/2002	1723	2239	40526.10001	67	10

CONFIRMATION NO. 9844

CORRECTED FILING RECEIPT



34661  
CHARLES N. QUINN  
FOX ROTHSCHILD LLP  
2000 MARKET STREET, 10TH FLOOR  
PHILADELPHIA, PA 19103

Date Mailed: 07/15/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Stephen B. Maguire, Glen Mills, PA;

Power of Attorney:

Charles Quinn--27223

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/265,347 01/31/2001

Foreign Applications

If Required, Foreign Filing License Granted: 02/28/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/066,338**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Apparatus for supplying liquid color

**Preliminary Class**

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## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### **LICENSE FOR FOREIGN FILING UNDER**

#### **Title 35, United States Code, Section 184**

#### **Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

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